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25096	7590	06/30/2006	EXAMINER	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/534,836
Filing Date: March 24, 2000
Appellant(s): NEFF, C. ANDREW

Christopher J. Daley-Watson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 17th, 2006 appealing from the Office action mailed May 25th, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herschberg (*published literature provided by Applicant*) in view of Challener et al (U.S. Patent No. 6,081,793).

3. As per claim 1, Herschberg teaches a method of registration, comprising receiving a hash of a public key and a written signature of each of a plurality of registrants through a first channel of communications that includes hand-delivery, receiving a public key and through a second channel of communications, different from the first channel of communications that excludes hand-delivery, for each of the plurality of registrants, digitally signing the public key if the hash of the public key of the registrant received through the first channel of communications corresponds to the public key of the registrant received through the second channel of communications; and providing the digitally signed public keys to an authenticating authority (*see abstract, fig 3.2, chapter 3, 4*). Herschberg fails to teach associating identifying information

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of at least some of the plurality of registrants. However, Challener et al teach associated identifying information of at least some of the plurality of registrants (*see column 7 line 38-8 line 18*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Herschberg to include Challener et al associated identifying information of at least some of the plurality of registrants because this would provided an improved method and system for voting which utilizes the internet and any other form of electronic communication, which maintains the same level of security and privacy in voting scheme.

4. As per claim 2, Herschberg teach a method further comprising rejecting the registrant if the hash of the public key of the registrant received through the first channel of communications does not correspond to the public key of the registrant received through the second channel of communications (*see abstract, fig 3.2, chapter 3, 4*).

5. As per claim 3, Herschberg teach a method wherein receiving a hash of a public key and a written signature through a first channel of communications includes receiving a written message via a courier (*see abstract, fig 3.2, chapter 3, 4*).

6. As per claim 4, Herschberg teach a method wherein receiving a public key and associated identifying information through a second channel of communications includes detecting a signal carried in at least one of an electrical, a magnetic, and an electro-magnetic carrier (*see abstract, fig 3.2, chapter 3, 4*).

7. As per claim 5, Herschberg teach a method wherein the hash of the public key and the written signature of the registrants received through the first channel of communications are non-electronic (*see abstract, fig 3.2, chapter 3, 4*).

8. As per claim 6, Herschberg teach a method further comprising providing each of the registrants a copy of the respective digitally signed public key (*see abstract, fig 3.2, chapter 3, 4*).

9. As per claim 7, Herschberg teach a method further comprising creating a hash of the public key received through the second channel of communications for comparison to the hash of the public key received through the first channel of communications (*see abstract, fig 3.2, chapter 3, 4*).

10. As per claim 8, Herschberg teach a method further comprising enabling the registrants to submit the public key and associated identifying information through the second channel of communications only after receiving the hash of the public key and written signature through the first channel of communications (*see abstract, fig 3.2, chapter 3, 4*).

11. As per claim 9, Herschberg teach a method further comprising preventing the registrants from submitting the public key and associated identifying information through the second

channel of communications until after the hash of the public key and written signature are received through the first channel of communications (*see abstract, fig 3.2, chapter 3, 4*).

12. As per claim 10, Herschberg teach a method further comprising entering the hash of the public key received through the first channel of communications into an electronic database (*see abstract, fig 3.2, chapter 3, 4*).

13. As per claims 11-40, they disclose the same inventive concept as in claims 1-10. Therefore, they are rejected under the same rationale (*see abstract, fig 3.2, chapter 3, 4*).

(10) Response to Argument

Applicant argues that the prior art Herschberg taken alone or in combination with Challenger fail to Disclose (a) Techniques in an Electronic Voting Scheme Voter Registration, (b) registration that Employs Two Channels of Communication, One of Which Includes Hand-Delivery, in a Public Key Electronic Voting System and (c) Verifying Voters/Registrant In-person, or Registration Employing Signatures on a Hash Card. Examiner respectfully disagrees with Applicant's characterization of the prior art. Challenger teaches and suggest a system *wherein voters undergo a registration process in order to become "qualified" to vote in an upcoming election (emphasis added)*. According to Challenger voters are all registered to vote in accordance with the statutory and regulatory requirements. In most respects, according to Challenger, the voter registration process will proceed in a conventional manner, in order to

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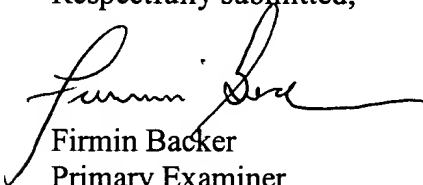
determine eligibility to vote. Each jurisdiction has qualifications on the fundamental requirements for a voting citizen. It is through the registration process that ineligible voters are blocked or screened from obtaining a voter registration status. In accordance with the preferred embodiment of the Challenger et al's invention, voters are each issued an individual "smart card" which is utilized during voting in accordance with the preferred embodiment of the present invention. Furthermore, the voter registration process will proceed in a conventional manner, in order to determine eligibility to vote. Each jurisdiction has qualifications on the fundamental requirements for a voting citizen. It is through the registration process that ineligible voters are blocked or screened from obtaining a voter registration status.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Firmin Backer
Primary Examiner
3621

Conferees